

A clean copy of these Claims, as amended, are attached hereto.

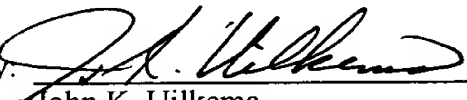
REMARKS

No action has yet been received on the present application. The foregoing amendments are for purposes of avoiding an antecedent problem regarding use of the words "the undersurface" in Claims 1 and 25, as filed. This problem came to the attention of Applicant's undersigned attorney during the course of a routine review of the application. The amendments are in no way intended to alter the scope of the Claims.

The Commissioner is hereby authorized to charge our Deposit Account No. 50-0918 for any fees required in connection with the filing of this Preliminary Amendment. **A duplicate copy of this Notice is enclosed for this purpose.** The Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: Jan. 29, 2003

By: 
John K. Uilkema
Reg. No. 20,282
Tel. No. 415-39-7641

Our File: 032885-71

**ATTACHMENT TO PRELIMINARY AMENDMENT
FOR U.S. PATENT APPLICATION NO. 09/989,223**

CLEAN VERSION OF AMENDED CLAIMS

1. An apparatus for use in embedding an anchor in a concrete structure, comprising:
 - (a) a body having first and second sections hinged together at upper portions thereof for movement between a closed condition engageable around an anchor received therebetween and a an open condition in which said sections are separated to release an anchor received therebetween;
 - (b) a latch disposed between said sections to releasably secure the sections in the closed condition; and,
 - (c) a passage defined between the first and second sections and opening through an undersurface of the body, said passage being adapted to receive and retain an anchor therein when in the sections are in the closed condition and, upon movement of the first and sections to the open condition, being disposed to release an anchor received therein from the body.

25. A method for embedding an anchor in a concrete structure, comprising:
 - (a) providing a polymeric body having:
 - (i) first and second sections hinged together at upper portions thereof for movement between a closed condition engageable around an anchor received therebetween and an open condition in which said sections are separated to release an anchor received therebetween;
 - (ii) a passage defined between the first and second sections and opening through an undersurface of the body for receipt and retention of the anchor between the sections when the sections are in the closed condition, and release of the anchor when the sections are in the open condition; and,

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- (iii) a latch to secure the sections in the closed condition and selectively release the sections for movement to the open condition upon the application of force to the body to move the sections to the second condition;
- (b) moving the sections to the open condition and positioning the anchor therebetween;
- (c) moving the sections to the closed condition and securing the sections together through the latch to retain the anchor in the passage in the condition extending partly out of the passage;
- (d) casting the hollow body in the concrete structure with the upper portion of the body exposed through one side of the structure and the anchor embedded within the structure;
- (e) applying force to the body to release the latch and move the sections to the open condition; and,
- (f) removing the hollow body from the concrete structure.

SF #722669 v1



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

DAVID L. KELLY ET AL.)

Application No. 09/989,223)

Non-Provisional Application Based on)
Provisional Application No. 60/300/890)

Filed: November 20, 2001)

For: **VOID FORMING AND ANCHOR)
POSITIONING APPARATUS AND)
METHOD FOR CONCRETE)
STRUCTURES)**

Group Art Unit: 1722

Examiner:

PRELIMINARY AMENDMENT

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Box Non-Fee Amendments
Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents,

Washington, DC 20231 on 1/29/03

Dated: 1/29/03 By: THELEN REID & PRIEST, L.L.P.
Name Carroll J. Farrell

Sir:

Please amend Claims 1 and 25, as follows:

1. (First Amended) An apparatus for use in embedding an anchor in a concrete structure, comprising:

- (a) a body having first and second sections hinged together at upper portions thereof for movement between a closed condition engageable around an anchor received therebetween and a an open condition in which said sections are separated to release an anchor received therebetween;
- (b) a latch disposed between said sections to releasably secure the sections in the closed condition; and,
- (c) a passage defined between the first and second sections and opening through [the] an undersurface of the body, said passage being adapted to receive and retain an anchor therein when in the sections are in the closed condition and, upon movement of the first and sections to the

open condition, being disposed to release an anchor received therein from the body.

25. (First Amended) A method for embedding an anchor in a concrete structure, comprising:

- (a) providing a polymeric body having:
 - (i) first and second sections hinged together at upper portions thereof for movement between a closed condition engageable around an anchor received therebetween and an open condition in which said sections are separated to release an anchor received therebetween;
 - (ii) a passage defined between the first and second sections and opening through [the] an undersurface of the body for receipt and retention of the anchor between the sections when the sections are in the closed condition, and release of the anchor when the sections are in the open condition; and,
 - (iii) a latch to secure the sections in the closed condition and selectively release the sections for movement to the open condition upon the application of force to the body to move the sections to the second condition;
- (b) moving the sections to the open condition and positioning the anchor therebetween;
- (c) moving the sections to the closed condition and securing the sections together through the latch to retain the anchor in the passage in the condition extending partly out of the passage;
- (d) casting the hollow body in the concrete structure with the upper portion of the body exposed through one side of the structure and the anchor embedded within the structure;
- (e) applying force to the body to release the latch and move the sections to the open condition; and,
- (f) removing the hollow body from the concrete structure.

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- (ii) a passage defined between the first and second sections and opening through an undersurface of the body for receipt and retention of the anchor between the sections when the sections are in the closed condition, and release of the anchor when the sections are in the open condition; and,

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- (iii) a latch to secure the sections in the closed condition and selectively release the sections for movement to the open condition upon the application of force to the body to move the sections to the second condition;
 - (b) moving the sections to the open condition and positioning the anchor therebetween;
 - (c) moving the sections to the closed condition and securing the sections together through the latch to retain the anchor in the passage in the condition extending partly out of the passage;
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 - (f) removing the hollow body from the concrete structure.